

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

February 24, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Hawaii

**Consent to Assign Perpetual Non-Exclusive Easement LOD No. 28,194,  
Larry R. Oler and Midge J. L. Oler, Assignor, to Parker K. Mossman and  
Bina K. Saafi, Assignee, and Amendment to the Easement; Waiohinu, Ka'u,  
Hawaii, Tax Map Key: 3<sup>rd</sup>/9-5-02:40.**

APPLICANT:

Larry R. Oler and Midge J. L. Oler, as Assignor, to Parker K. Mossman, spouse of Becky R. Mossman, and Bina K. Saafi, spouse of John Saafi as joint tenants, whose business and mailing address is 752 E. 530 N. Herber City UT. 84032, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waiohinu, Ka'u, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/9-5-02:40, as shown on the attached map labeled Exhibit A.

AREA:

0.434 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Access purposes.

TERM OF LEASE:

Perpetual.

ANNUAL RENTAL:

Gratis.

CONSIDERATION:

\$ 0.

RECOMMENDED PREMIUM:

Not applicable.

DCCA VERIFICATION:

Assignee's are individuals and, as such, are not required to register with DCCA.

REMARKS:

At its meeting of October 28, 1994 under Agenda Item F-1, the Board approved the direct award of an access easement in confirmation of Kuleana Access Rights to Larry R. and Midge J. L. Older. In accordance with an opinion of the Attorney General, this easement was conveyed "gratis".

The Revocable Living Trust of Midge J. L. Oler dated June 14, 2002 named as beneficiaries to the trust, her children, Parker K. Mossman, Konrad K. Mossman and Bina K. Saafi (formally Bina K. Mossman) as well as Debbie A. Cabral. A declaration by Debbie A. Cabral dated August 13, 2002 relinquished all rights granted her by the trust. In addition, a bill of sale was provided from Konrad K. Mossman agreeing to sell his interest in the properties affected by the easement.

The Assignees are heirs to the estate of Larry R. and Midge J. L. Oler. This assignment is merely the completion of the transfer of title of L.C. Aw. 6981 conveyed to Parker K. Mossman and Bina K. Saafi

The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

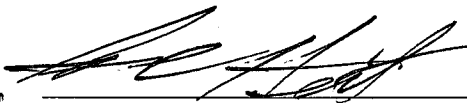
The most recent grant of easement drafted by the Attorneys office contains language that indicates the easement will run with the property should that property be conveyed through sale or other such transfer. This would allow for easier transition of the easement and not be an obstacle for any type of financing.

Staff is recommending that the Board consent to the Assignment of Grant of Perpetual Non-Exclusive Easement LOD No. 28,194 from Larry R. Oler and Midge J. L. Oler, Assignor, to Parker K. Mossman and Bina K. Saafi, Assignee, and amend the existing grant of easement deed to reflect the current easement language regarding the transfer to the beneficiary of the private property.

RECOMMENDATION: That the Board

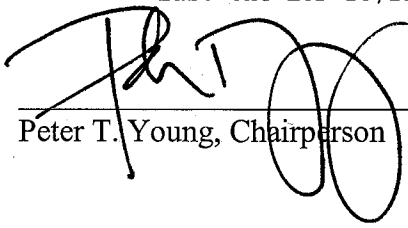
1. Consent to the assignment of Perpetual Non-Exclusive Easement LOD No. 28,194, Larry R. Oler and Midge J. L. Oler, Assignor, to Parker K. Mossman and Bina K. Saafi, Assignee, subject to the following;
  - a) Authorize the inclusion of an amendment to the existing grant of easement to reflect the current easement language; "The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key:3<sup>rd</sup>/9-5-02:68, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document";
  - b) The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
  - c) Review and approval by the Department of the Attorney General; and
  - d) Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Gordon C. Heit  
Land Agent

APPROVED FOR SUBMITTAL:

February 24, 2006



Peter T. Young, Chairperson

# EXHIBIT A

TMK: 3<sup>RD</sup>/9-5-02:40

